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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,360	03/12/2001	Werner Zagler	951/49628	4213

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CROWELL & MORING LLP  
Intellectual Property Group  
P. O. Box 14300  
Washington, DC 20044-4300

EXAMINER
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LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/803,360

Applicant(s)

ZAGLER, WERNER

Examiner

Julie Lieu

Art Unit

2636

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/29/05</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed November 01, 05. No claims have been amended, canceled, or added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

3. Claims 1-9 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm (DE 4203512C1) (cited by the applicant).

#### Claim 5:

Boehm discloses a system for facilitating entry into or out of a motor vehicle having at least one vehicle door, in which window is lowerable and closeable and to which an opening/closing detecting device is assigned, the system comprising:

- a. An unlocking device (release switch)
- b. A control device for controlling window actuator
- c. Wherein the control device has inputs which receive a signal reflecting an unlock command and a signal which corresponds to a door opening or closing action, the control device operating the actuator to completely lower the window of the vehicle door as soon as an unlock

Art Unit: 2636

command has been received and, either simultaneously or subsequently, the vehicle door has been opened, without requiring any further action by a user. See abstract and also page 11, second paragraph.

The double unlock command is not used in Boehm. However, it would have been obvious to one skilled in the art to use double door release command as desired because it is only a choice in design to differentiate between functions. For example, vehicles with remote door lock/unlock functions used to unlock all doors upon the actuation of the unlock button once, but nowadays, a single unlock command would unlock the driver door and the use of a double unlock command is used to differentiate from the single unlock command to unlock all doors. Therefore, a skilled artisan would have used the double unlock command to allow to the system in Boehm to recognize that additional function, other than to unlock the doors, is desired. Furthermore, as pointed out on page 3 of the Board of Appeals decision dated Jan. 20, 05, the specification of the present invention pages 1 and 2 and the summary of invention of the Brief admits that this is known in the art. Therefore, a skilled artisan would have applied this known techniques in the system of Boehm as desired since it is well known and familiarized by one of ordinary skill in the art.

Claim 6:

It is not clear in Boehm whether the control device operates the actuator to completely close the window of the vehicle door after the door is closed. Nonetheless, one skilled in the art would have readily recognized that most likely the window should be completely raised while the door is closed for safety reasons, such as theft or rain, unless it is desired to be lowered by the driver while operating the vehicle or for some particular purposes while the vehicle is parked.

Claim 7:

It is inherent that the system in Boehm would have an anti-squeeze device which monitors the closing operating of the window.

Claim 8:

Though Boehm does not include a remote door lock/unlock device, it is conventionally used nowadays with most vehicles. Therefore, it would have been obvious to one skilled in the art to modify the system in Boehm to be used with a remote door lock/unlock device. All door unlock/lock remote control devices comprise a door command point.

Claims 1-4:

The rejection of claims 1-4 recites the rejection of claim 5-8 except they are method claims.

Claim 9:

The rejection of claim 9 recites the rejection of claim 1, except it is a software which is inherently disclosed in Boehm for the system to carry out those functions.

*Applicant's Arguments*

4. Applicant's arguments have been fully considered but they are not persuasive.

The applicant has asserted that the BOEHM reference (DE 42 03 512 C1) does not lower the vehicle window as soon as the two actions occur without requiring any further action by user.

Art Unit: 2636

The applicant further has argued that the examiner misses the point of applicant's claim language, which is that the window is completely lowered as soon as the double unlock command is received and the door is opened, not apparently the examiners interpretation of this language that the door itself must open.

### *Response to Applicant's Arguments*

5. Applicant's arguments are not persuasive for the following reason:

It is submitted that the vehicle window in Boehm lowers as soon as the two actions occur without requiring any further action by user. That is to say, when the door opening command is received and the door is opened the window is lowered while no "further" action by a user is required (after opening the door).

In view of the applicant's statement "the window is completely lowered as soon as the double unlock command is received and the door is opened, not apparently the examiners interpretation of this language that the door itself must open", it appears that the applicant intend to say that the window is completely lowered as soon as the double unlock command is received and the door is unlock instead of "open". However, according to the specification, paragraphs [0002] and [0007], it is stated that "after an unlock command, the window of a vehicle door is completely lowered and, after the closing of the vehicle door, the window is completely closed again", it appears that the door itself must open and since the door itself opens it simply implies

Art Unit: 2636

that the user must take some action to open the door. The claim language is interpreted the way it is stated, that is, the door is open (or the door itself opens).

For the reason stated above, the rejection is maintained.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long horizontal flourish extending to the right.

Julie Lieu  
Primary Examiner  
Art Unit 2636

Aug 07, 05